

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EXCEPTIONAL INNOVATION LLC,)	
an Ohio Limited Liability Corporation,)	
)	
Plaintiff,)	
v.)	Case No. C2 06 273
)	
LITE TOUCH, INC.,)	Judge Edmund A. Sargus
a Utah corporation,)	
)	Magistrate Judge Norah McCann King
and)	
)	
LIFETOUCH INC.,)	
a Minnesota Corporation,)	
)	
Defendants.)	

ORDER

This matter came to be heard upon the joint motion of the parties pursuant to Fed. R. Civ. P. 60(b), as contemplated in *First National Bank of Salem, Ohio v. Hirsch*, 535 F. 2d 343, (6th Cir. 1976), asking this Court to amend its order of February 27, 2007 by dismissing this case without prejudice.

Considering the parties desire to settle and the entire record, the Court is of the opinion, and so finds, that should the case be remanded to it by the Court of Appeals for the Sixth Circuit, this Court is inclined to grant the relief requested.

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IT IS, THEREFORE, ORDERED BY THE COURT that if this case is remanded to the District Court by the Court of Appeals, this Court is disposed to grant the parties' 60(b) motion.

ENTERED this 11 day of February, 2008.

DISTRICT COURT JUDGE



Edward A. Sargus

APPROVED AS TO FORM:

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